

Steps in the Investigation cont'd.

incident will not be repeated, and you successfully complete the CAP, your name will not be placed on the Registry. Law Enforcement may still pursue charges. CAP's are not offered to perpetrators employed by a Community Developmental Disability Organizations/Affiliate or perpetrators who are paid providers through Medicaid. This includes Home and Community Based Services waiver attendants and employees of Community Developmental Disability Organizations/Affiliates, Adult Family Homes, and Residential Care Facilities.

5. You will be notified of the case finding by mail. If you do not agree with the finding, you may file an appeal.
6. If you do not appeal a substantiated finding within 30 days of a written notice, your name shall be placed on the Adult Abuse Registry.
7. After three years you may send a letter to the Secretary of the Department for Children and Families requesting to have your name expunged from the Registry. A panel appointed by the Secretary will consider the information provided and make a recommendation to the Secretary. The Secretary will approve or deny the request. Written notification of the decision is sent to you.

Right to Appeal

If a finding has been substantiated for adult abuse, neglect or exploitation, you have the right to file an appeal of the finding within thirty (30) days of being notified of the finding. This is called due process.

- If the you decide not to file an appeal within thirty (30) days, your name is automatically placed on the registry.
- If you file an appeal and the agency finding is upheld, your name is placed on the registry.
- If you file an appeal and the agency finding is reversed, your name is not placed on the registry.

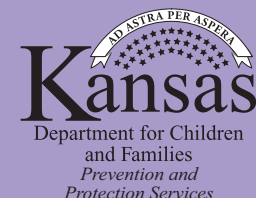
If your name is listed on the Adult Abuse Registry, you may be fired from or refused employment with populations covered under K.S.A 39-1430.

If you have questions or need more information, please contact your local Department for Children and Families office at the address given below:

Kansas Adult Protective Services



What happens if you are
accused of abuse, neglect,
exploitation, or fiduciary
abuse of an adult...



Who is an adult?

An individual 18 years of age or older who is unable to protect their own interest and who is harmed or threatened with harm, whether financial, mental or physical in nature, through action or inaction by themselves or another individual.

What is abuse?

Any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm, including: infliction of physical or mental injury; sexual abuse; unreasonable use of physical or chemical restraint, isolation, or medication; threat or menacing conduct; fiduciary abuse; or omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

What is neglect?

Failure or omission by one's self, caretaker, or another person with a duty to supply or provide goods or services which are reasonably necessary to ensure safety and wellbeing and to avoid physical or mental harm or illness.

What is exploitation?

Misappropriation of an adult's property or intentionally taking unfair advantage of an adult's physical or financial resources.

What is fiduciary abuse?

A situation in which a person who is the caretaker of, or who stands in a position of trust to an adult, takes, secretes, or appropriates their money or property for any use or purpose not in the due and lawful execution of the adult's trust or benefit.

What are your rights if you have been accused of abuse, neglect, or exploitation?

You have the right to:

- be treated with dignity and respect.
- ask authorities to identify themselves.
- be informed of your legal rights.
- know the allegations against you.
- be informed of the investigation procedures and legal process.
- be informed of possible consequences resulting from allegations against you.
- be informed as to the findings of the investigation.
- appeal any substantiation of findings if desired.
- hire an attorney to represent you.

Steps in the Investigation

Should the Department for Children and Families receive a report that you have abused, neglected, or exploited someone, we shall take the following steps:

1. A social worker will interview the alleged victim.
2. The social worker will interview you to gather information about the incident from your perspective.
3. The social worker will meet with anyone else who has information about the suspected abuse, neglect, exploitation or fiduciary abuse.
4. Using as many facts as can be determined, the social worker makes one of the following case findings:

Substantiated - The facts and circumstances provide clear and convincing evidence to conclude the alleged perpetrator's actions or inactions meet the K.S.A. definition of abuse, neglect, exploitation, or fiduciary abuse.

Unsubstantiated - The facts or circumstances do not provide clear and convincing evidence to meet the K.S.A. definition of abuse, neglect, exploitation, or fiduciary abuse.

Corrective Action Plan (CAP) - if the finding of exploitation/fiduciary abuse is substantiated but the social worker determines there are steps you can take to ensure that the